



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
NATURAL RESOURCES COMMISSION
LANSING



REBECCA A. HUMPHRIES
DIRECTOR

RESUBMITTED: July 12, 2004
August 16, 2004

Memorandum to the Natural Resources Commission

SUBJECT: Mourning Dove Season

Authority

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

For over 30 years, the topic of hunting mourning doves in Michigan has been the subject of much debate. Through the years, there has been legislative and administrative activity to allow dove hunting. One of the early bills introduced in the legislature was Senate Bill 1718 in 1971. On July 12, 1985, the Department of Natural Resources Commission (NRC) proposed a mourning dove season, under the Game Law of 1929, Act 286 of 1929, The Hunting and Fishing License Act, P.A. 86 of 1980 and P.A. 230, 1929. After this action, the Michigan Humane Society filed suit against the NRC and the Department of Natural Resources (DNR) in Ingham County Circuit Court. Circuit Judge, James T. Kallman ordered, adjudged and decreed that the Michigan Humane Society be granted a permanent injunction against the NRC and DNR and that the agency be prevented from "holding, administering, overseeing or promoting an open season on mourning doves." Since the time of this court ruling, referendum Proposal G has been approved by Michigan's voters, granting the NRC the exclusive authority to regulate the taking of game. In 2003, Representative Susan Tabor introduced House Bill 5029, the "dove bill." On June 18, 2004, Governor Jennifer Granholm signed this bill into law. This legislation establishes the mourning dove as a game bird and authorizes the NRC to establish the first open season for mourning doves. The legislation also mandates that a \$2.00 dove stamp be required to hunt doves. Funds generated from this stamp are to be divided equally between the Game and Fish Protection Fund and the Nongame Fish and Wildlife Trust Fund. On July 5, Judge William E. Collette signed the order removing the 1985 Circuit Court injunction against the DNR and NRC. At the July 8, NRC meeting, the NRC Policy Committee on Wildlife Issues asked Wildlife Division to prepare a recommendation for a possible Michigan dove hunting season.

At the national level, the mourning dove is a migratory bird protected under the Federal Migratory Bird Treaty Act of 1918. This act recognizes sport hunting as a legitimate use of a renewable migratory bird resource. The Secretary of the Interior is vested with the authority and responsibility for mourning dove management. A primary management goal of the Secretary of the Interior is maintenance of mourning dove populations in a healthy, productive state. To this end, management of doves includes assessment of population status, habitat management, and

regulation of harvest. Harvest regulations are set within a federal framework. States are responsible for establishing their own hunting seasons within this framework. The framework for Michigan is the same as other states in the Eastern Dove Management Unit (EMU). The EMU season and bag limit framework is:

Dates: *Between September 1 and January 15, except as otherwise provided*

Hunting seasons and daily bag limits: *Not more than 70 days with a daily bag limit of 12, or not more than 60 days with a daily bag limit of 15.*

Shooting hours: *one-half hour before sunrise to sunset*

Mourning doves are one of the most numerous and widely distributed birds in the United States and the most popular, plentiful and widely distributed gamebird in North America ranging from Canada to Mexico. In Michigan, mourning doves are abundant, especially south of a line from Bay City to Ludington. Conservative population surveys estimate that 4 million doves migrate from Michigan each fall compared to 1.2 million waterfowl. Michigan currently participates in two national surveys to monitor mourning doves: the Dove Call-count Survey and the Breeding Bird Survey. Both surveys indicate no statistically significant change in the Michigan dove population over the last 38 years.

The current continent-wide population estimate is over 400 million doves in the fall migration. The continent-wide waterfowl population estimate is 105 million. Doves that breed in Michigan migrate to wintering grounds in Texas, Louisiana, and Mississippi or to wintering grounds in Alabama, Georgia, and Florida. Mourning doves that breed in other states and Canada migrate through Michigan. Some of these doves winter in Michigan and the remainder migrate to more southerly wintering sites.

Mourning doves can currently be hunted in 40 states. In the Midwest, Wisconsin, Minnesota, Illinois, Indiana, Ohio, and all states south except Iowa, have mourning dove hunting seasons. Nationwide, approximately 22.7 million doves are harvested annually.

Mourning dove abundance is directly related to the availability of mourning dove habitat. In Michigan's southern Lower Peninsula, mourning dove habitat is located primarily on private land where the landowner controls access and use. Landowners that develop habitat on their land for mourning doves will have the opportunity to benefit from their habitat improvement efforts.

If a season is approved for Michigan, a supplement to the annual hunting guide will be available and include information on: 1) how hunters can distinguish mourning doves from other birds; 2) mourning dove management practices; 3) how to hunt doves ethically, lawfully, and safely and, 4) special opportunities mourning dove hunting offers to youth, the elderly and hunters with a disability.

Six rural counties adjacent to Indiana and Ohio are recommended to be open for mourning dove hunting. These counties consist of Berrien, Branch, Cass, Hillsdale, Lenawee and St. Joseph. The counties comprise 3,495.81 square miles. Recommended season dates are September 10 to October 30, 2004, and September 1 to October 30 for the subsequent two calendar years. The recommended daily limit is 15 mourning doves and a possession limit of 30 mourning doves. Shooting hours are recommended to be one-half hour before sunrise to sunset.

Recommendation:

This order was submitted for information only at the August, 2004 meeting of the Natural Resources Commission. This item appeared in the August 30, 2004, Calendar and is eligible for approval on September 9, 2004. We are now recommending that it be acted upon at this meeting.

Douglas A. Reeves, Acting Chief
Wildlife Division

Alan Marble, Acting Chief
Law Enforcement Division

Mindy S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 15 of 2004

Under the authority of sections 40107, 40110a and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107, 324.40110a and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective September 10, 2004, the following sections of the Wildlife Conservation Order shall read as follows:

2.5 Hunting hours, exceptions; prohibited activities.

Sec. 2.5. (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in this section, it shall be legal within their specified open seasons to take raccoon, opossum, and fox at night with the aid of dogs; and fox and coyote, during the season open to the taking of fox, at night with the aid of a game or predator call.

(3) Except for woodcock, crow and mourning doves, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1). The hunting hours for mourning doves shall substantially conform to one-half hour before sunrise to sunset and shall be as published in the Michigan hunting and trapping guide or supplement to the Michigan hunting and trapping guide.

(4) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(5) The hunting hours for elk shall be 7 a.m. to 8 p.m. in August and September. The hunting hours for elk shall be 8 a.m. to 5 p.m. in December and the following January.

(6) During a time not specified as open to the taking of animals in this section, a person shall not possess afield a firearm unless it is unloaded in the barrel, or a bow and arrow unless all arrows are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to 1 hour prior to the spring wild turkey hunting hours.

3.427 Mourning doves, open season, open counties, daily and possession limits; report of hunting impact on populations.

Sec. 3.427. (1) The open season for taking mourning doves shall be September 10 to October 30, 2004 and September 1 to October 30 for the subsequent two calendar years.

(2) A person shall take mourning doves only in Berrien, Branch, Cass, Hillsdale, Lenawee, and St. Joseph counties.

(3) The daily limit shall be 15 mourning doves and the possession limit shall be 30 mourning doves.

(4) Following conclusion of the third hunting season, the department shall report the impact of hunting on mourning dove populations in Michigan.

Issued this 9th day of September, 2004.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director